

AD-A205 443

3

Document released under the
Freedom of Information Act
DNA Case No. 88-119

FINAL REPORT

INDIA'S NUCLEAR ENERGY PROGRAM
AND U.S. POLICIES TODAY

DTIC
ELECTE
MAR 16 1989
D CS

Roberta Wohlstetter

Revised February 1980

In partial fulfillment of
Contract No. DNA-79-C-0067

DISTRIBUTION STATEMENT A

Approved for public release
Distribution Unlimited

Prepared for:

Defense Nuclear Agency
Washington, D.C. 20301

Prepared by:

PAN HEURISTICS
4640 Admiralty Way
Post Office Box 9695
Marina del Rey, California 90291

89 3 15 023

TABLE OF CONTENTS

From Indira to Morarji to Indira	1
On Desai's "Vain Gandhism"	10
Pakistan, India and the Afghanistan Crisis	21
Bibliography	32
Appendix A: Letter to Congressman Ottinger	A-1 - A-4
Appendix B: Licensing Requirements for Export of Heavy Water to India	B-1 - B-5
Appendix C: Morarji Desai's Views in 1965	C-1 - C-11
Appendix D: Prime Minister Desai's Comments on Nuclear Questions, Press Conference - January 12, 1978	D-1 - D-3
Appendix E: Excerpt of Address by Desai in the United Nations, June 9, 1978	E-1 - E-3
Appendix F: Notice to Aircraft Contractors from the United States Department of State	F-1 - F-2

Accession File	
NTIS	ORRARI
DTIC	TAG
Unpublished	10
Justified	10
By <i>per ltr</i>	
Date	
A-1	

SEPTEMBER 1, 1939

by W.H. Auden

I sit in one of the dives
On Fifty-Second Street
Uncertain and afraid
As the clever hopes expire
Of a low dishonest decade:
Waves of anger and fear
Circulate over the bright
And darkened lands of the earth,
Obsessing our private lives;
The unmentionable odour of death
Offends the September night.

Accurate scholarship can
Unearth the whole offence
From Luther until now
That has driven a culture mad,
Find what occurred at Linz,
What huge image made
A psychopathic god:
I and the public know
What all schoolchildren learn,
Those to whom evil is done
Do evil in return.

December 27, 1979 on remembering Hitler's invasion of Poland.

From Indira to Morarji to Indira

At the time of my first report on India's nuclear program in April 1976,* Morarji Desai had just become Prime Minister of India. His history as a vigorously declared opponent of nuclear weapons seemed to provide an excellent opportunity for encouraging his country to cooperate with the United States in its attempt to control the spread of plutonium to nonnuclear weapon states. Perhaps the greatest disappointment for U.S. policymakers in this area then was the defeat of Prime Minister Desai in the elections of July 1979. What followed was a caretaker government, pending elections six months from the date of Desai's resignation. Chairman Charan Singh, the acting Prime Minister, in the brief period of his governance before it became clear that he was not strong enough to hold his coalition together, let it be known that India would no longer pursue a "policy of appeasement" towards the United States and other superpowers, and that he expected to seize back the territory taken from India by the People's Republic of China.** At the 23rd annual meeting of the IAEA he blasted the nuclear weapon states: "In the name of nonproliferation, efforts continue to be made to put obstacles in the way of developing countries who are trying to develop indigenous facilities for the peaceful utilisation of atomic energy. In the name of

*The Buddha Smiles: Absent-Minded Peaceful Aid and the Indian Bomb, PAN Heuristics Monograph E-3, Los Angeles, April 1976.

**"Desai Quits Party Leadership," Los Angeles Times, July 28, 1979.

nonproliferation, smaller nations are forced to accept restraints and restrictions, none of which the nuclear weapon powers are prepared to accept for themselves."*

While these assertions were warmly received in some quarters, his demagogic pronouncements invoking a return to a cottage industry caused considerable domestic alarm,** and were partly responsible for paving the way for Mrs. Gandhi's return.

The disappearance of Desai from the scene put an end to the hopes of many U.S. officials that he would somehow or other initiate and enforce full-scope safeguards on India's nuclear facilities before the end of the two year grace period granted by the Nuclear NonProliferation Act. These hopes, however, were attached rather wishfully and uncritically to formal statements rather than to behavior. And at that, they had been pinned on one set of Desai's protean statements which were conveniently separated from another set on the same subject. On the one hand, Desai seemed to be promising an end to the Indian nuclear explosive program for any purpose whatsoever. On the other, he appeared to make a fine distinction between explosives and explosions, promising no explosions, but remaining mute on an explosive program. He stated sometimes that PNEs were not necessary, but would not make

*Michael T. Kaufman, "India Calls Effort to Curb Nuclear Arms a Hindrance to Development," New York Times, December 5, 1979.

**"Nehru's Policies Return as a Political Issue in India," New York Times, November 11, 1979, p. 5.

this commitment "for all time to come."* He allowed Indian AEC representatives to participate in an international committee exploring full scope safeguards, and then announced that India would never give up her sovereignty in this respect.

India will not permit any nuclear power to examine its installations unless it gets reciprocal rights to make similar inspections, says Prime Minister Desai. In a New Year's Day television program, he said that India's decision to serve on an international committee to discuss nuclear safeguards (NW, 7 Dec.) did not mean that it had agreed to open its reactor facilities to inspection.

Desai said India is going on the principle that it will not open its installations to inspection and that principle is not affected by participation on the safeguards panel. 'And it is also agreed,' he said, 'that if this panel does not come to any proper safeguards at all, then India is not bound to act on those recommendations.'**

When the Prime Minister spoke of "similar inspections," he appeared to include India's inspection of military nuclear facilities in the weapon states, not only the civilian nuclear power installations. His press conference of January 12, 1978 had underlined his stand on safeguards: all nuclear installations must be "open to inspection everywhere," before India will consider such a course of action.***

We should acknowledge, however, that Desai did come into touch with reality when he noted that India's troubles in securing aid for her nuclear program stemmed from the Indian

*India News, July 18, 1977, Washington, D.C., p. 2.

**Nucleonics Week, January 4, 1979, p. 14.

***See Appendix D.

explosion of May 1974. His statement to Parliament on this subject, reported on August 7, 1978, is perhaps the most direct acknowledgment of his discomfort with that event, and one treasured by many U.S. officials as an indication that efforts to secure Indian agreement on full scope safeguards were marching forward.

As regards the scientific value of such explosions, from my knowledge of the results of the Pokharan explosion I find that the 'experiment,' if it can be called that, merely confirmed certain theoretical knowledge and gave some information on the behavior of radioactivity in neighboring rocks and shells, which was considered to be of value. I regard these results as inadequate compensation for the jolt to international opinion which it has imported, and the consequences it has had on our peaceful pursuit of nuclear research and development. It is true that in this development we have taken a unilateral decision to abjure explosions even for peaceful purposes. We now stand justified by the developing conscience of the whole world on it. It seems that France and China have chosen to follow their own independent line. As far as France is concerned, it has been adapting itself to the voice of that conscience. It has accepted certain safeguards in the exercise of its own individual judgment. As for China, it is my firm conviction that one day it would also have to bend before the judgment of the world, and respond to the universal demand for a halt to the buildup of its nuclear arsenal and its reduction, with a view to its eventual elimination.*

And in somewhat more detail he returned to the same theme:

I know from my discussions with heads of foreign countries how much misunderstanding that explosion has created in their assessment of our devotion to the pursuit of this great scientific discovery of modern times. Nor am I convinced that we have gained information of scientific value for peaceful use, which would justify the risk of such misunderstanding and consequential (sic) embarrassment in our international relationships on this issue.

*India News, August 7, 1978.

He continued with more than one dig at his predecessor, who had conducted the test in secrecy and exulted in it as a turning point for India and as a great contribution to peace.

Scientists now realize what handicaps they are experiencing in carrying on with their research activities. The way in which it was carried out, in secret, exposes us to accusations made against us both internally and externally. From the manner in which we indulged in self-praise after the explosion and the way in which it was exploited for the sake of prestige, both internally and externally, and in light of the scientific value and the necessity of the results achieved, there is only one conclusion which can be reached, and it is that the considerations were more political than scientific. I feel I am justified in thinking that it was done more for political than scientific gains.*

"At the same time," he added, "I should like to make it clear that I have maintained, and said so to foreign dignitaries with whom I have discussed the matter, that I do not believe that the Pokharan explosion was directed towards a switch over to military purposes."**

It was that addition that satisfied American officials, just as earlier Desai's use of the word "now" was cause for rejoicing.***

But aside from pronouncements to Parliament and to the press, Desai took certain actions which clearly signalled his intent to keep the nuclear weapons program intact. He did not dismiss Mrs. Gandhi's director of the AEC, Mr. Sethna, although he did

*India News, August 7, 1978.

**Ibid.

***The Economist, July 13, 1977.

transfer Mr. Ramann to the Defense Department. Mr. Ramann had been closely associated with the manufacture of the first successful Indian bomb in 1974, and the press regarded this as a step down in prestige. It is hard, however, for a Westerner to find anything in this move other than closer cooperation between the Ministry of Defense and the AEC, a precondition for an expanded military nuclear program.

Today Mr. Sethna still drives a hard bargain with our negotiators, who are themselves not distinguished for their ability to do the same. He does not seem to feel any danger that INFCE will endorse a tough policy to keep plutonium out of the hands of non-nuclear weapon states: a judgment that is a good deal sounder than that of the U.S. officials who are quoted as saying that the Ford 1976 and Carter 1977 policies have not been eroded. And in alluding to possible U.S. "interference" with India's nuclear program, that is, U.S. application of sanctions implicit in its agreement with India on nuclear cooperation, he is not above dark hints at several courses of action which might seem incompatible with India's loudly proclaimed moral stance: for example, supplying other countries, notably Libya and Iraq, with special nuclear assistance, or reprocessing spent U.S. fuel in unsafeguarded Indian facilities. Our own nuclear bureaucracy, always anxious to make sales and therefore always conjuring with the magic invocation to the U.S. to be a "reliable supplier," was

quick to provide Sethna with the justification for the latter argument. At the time of the first threatened cutoff of fuel to the Tarapur reactor, Sethna was easily able to infer from the testimony of U.S. administration witnesses before the NRC that a failure to deliver the fuel would mean that the United States had violated its agreement of nuclear cooperation with India, and India would therefore be released of all other obligations under that agreement. The prior Indian detonation of a nuclear bomb in violation of the agreement was scarcely mentioned.

For those interested in predictions, it seems safe to say that Mrs. Gandhi's return as Prime Minister will represent a continuation of "business as usual" with India. For Indian-U.S. relations must be viewed as a continuum, independent of the personality of various Prime Ministers, and certainly independent of whether or not India is the world's largest democracy or the world's second largest dictatorship (as Ambassador Moynihan called it during the last few years of Mrs. Gandhi's previous regime). Henry Kissinger has described the situation as a love affair between the Indian desk of the State Department and India. If so, the love seems to emanate primarily from the American side. Another sad case of unrequited affection. Mrs. Gandhi made that again quite clear in a long interview on the eve of the election of January 5, 1980 with Chicago Sun Times reporter Jonathan Powers.

Mr. Powers, who is an aggressive reporter, pursued Mrs. Gandhi relentlessly on the testing of nuclear devices. At first

she claimed, "Our testing has nothing at all to do with what any other country does. If our scientists feel that it is useful... then for peaceful purposes we shall test. But it does not mean that we shall make a bomb. I am opposed to the making and stock-piling of bombs." Linking this immediately with another country, she went on, "I do think that for a country like Pakistan, which has no industrial base, suddenly to go on to nuclear bombs is extremely dangerous--but dangerous for them, not just for us." Mr. Powers then wondered whether Mrs. Gandhi would have to rethink the commitment she had just made that "India is not going to make any bomb." And Mrs. Gandhi said no, and furthermore that she would not be compelled by any pressure of public opinion. Again, Mr. Powers: "Are you saying absolutely, unequivocally, that under your premiership there are no situations in which you would develop a nuclear bomb and nuclear weapons?" To which Mrs. Gandhi skillfully parried, "The question is, Does our also owning a bomb in any way prevent people using it on us? I don't think so. So how does it help?..." And expanding to place the blame, she repeated, "The kind of balance of terror that the West is building up, how is it helping the world?" But Mr. Powers was not to be diverted. "So you are making," he insisted, "an unequivocal refusal to build the bomb?" Answer: "I don't think that I can. This matter would have to be put to the party."* Since Mrs. Gandhi

*Jonathan Powers, "Campaigning for Comeback: Indira Gandhi Answers Some Questions," Los Angeles Times, December 25, 1979.

has already detonated one nuclear explosive without going to the party, her statements cannot be especially reassuring to the U.S., and certainly not to the Paks.

On Desai's "Vain Gandhism"

Nuclear Energy and an Ancient Indian View of Reality

Indian nuclear plans from the start have been fraught with vagueness and a rather casual attitude towards time. "Tomorrow" may refer to that long-heralded far-off time when golden benefits might be expected to arrive, when plutonium and thorium breeders might be in wide and economically productive operation and even fusion energy a work-a-day reality for civilian electric power. Or it may in the same breath refer to the nearer term but lengthy period during which scarce capital has been and is being invested and scarce resources of skilled manpower used up, without any net economic return. This tenuous and clouded view of time treats the future as if it were already present. In the nuclear field it has resulted in a requirement for extensive foreign aid and rare domestic skills in order to pile up stocks of plutonium that cannot possibly have their intended use in breeders for many decades. In this way, resources that could have been used for economic development have been frozen. Yet these stocks of plutonium, destined, it had been believed, for civilian use in some vaguely conceived future, have an immediate and exact application for weapons. Initial Indian vagueness, therefore, has some precise, though unintended consequences. And in general, the multiplicity of India's nuclear plans--with all their voluble unreality--has tended to increase the noise level and to serve as a screen for the Indian nuclear explosive program.

Many acute observers, such as V.S. Naipaul* in his books on Indian civilization, have noted the way an ancient religious and philosophical tradition which rationalizes a withdrawal from reality, hampers Indian efforts to face some of the problems of a modern state which demand the uses of more advanced technologies. Indian attitudes towards technology itself and specifically nuclear technology are marred by these same traditional ambiguities and withdrawal from reality. (They do not, after all, face a choice between the spinning wheel and the thorium breeder reactor.) Choosing among various lines of technological advance may be affected by a tendency to use words about Indianness to cover dependency and to retreat from a difficult world. Words can be used as magic and incantation in describing peaceful nuclear explosions again and again in ways that abstract from the embarrassing fact that in the more than twenty years since the introduction of proposals for "Plowshare", no persuasive evidence has been found for even one economic application of nuclear explosives in civil engineering.

Though Indian traditional ways of thinking may have made nuclear fantasy especially easy in India, one must admit that Indian vagueness about time and Indian unreality were made easier by the fact that Western civilian nuclear establishments have been extraordinarily vague and wishful themselves, if not quite as plainly so as the Indian. Nonetheless, the habits of thought

*See, for example, his India, A Wounded Civilization. New York: Vintage Books, Random House, 1928 (1926). See pp. 172-173 on withdrawal. See pp. 106-107, 157, 185 on incantation. "Vain Gandhism" is his phrase for Desai.

exhibited by the Indians in their nuclear program and in their controversy with Americans and Canadians and other foreigners bear a certain relation to the great Indian tradition in its period of decline into an apparatus for shielding the mind from uncomfortable realities. In our time, Indian logic and the Indian practice of seeking truth or satyagraha and even the ancient Indian practice of brahmacharya, the abstinence from sexual desire, seem to have appeared in caricature form in the debate on nuclear energy and nuclear explosives. Consider, for example, the case of the Indian CIRUS reactor and American heavy water.

Was the CIRUS Reactor Empty or Non-Empty (or Neither Empty nor Non-Empty of American Heavy Water)?

After the Indian explosion, but only a rather long time after--in 1976--a good many questions occurred to members of Congress and to public interest groups, to independent analysts and to at least one Nuclear Regulatory Commissioner about the role of American heavy water in the production of plutonium for the Indian explosive. Did the Indians violate the plain intent of their agreements only with Canada when they used the research reactor they had gotten from Canada in making an explosive? Or had they gone back on the obvious meaning of their promise to the United States also?

The responses of the Indians as well as of our own officials were many and appeared in rapid succession. Unfortunately,

however, the statements were hard to reconcile with one another. The Indians said that all of the materials were 100% Indian. We said that there was no American heavy water left in the reactor: It may have started full of American heavy water but, by the time the bomb was produced, it was empty of our heavy water. Still, the questions persisted and the answers began to crumble. CIRUS, it appeared, was not after all empty of our heavy water. It did contain some, and contained some during the period when it was producing the plutonium used in the Indian explosion. On the other hand, when the Indians said that CIRUS used 100% Indian materials, or so American officials stoutly continued to maintain, they were telling the truth.

This might appear to be troubling on some of the familiar standards of Western logic--that the CIRUS should have been both empty and non-empty of our heavy water. However, by that time, some of our officials (perhaps through long dealings with the Indians) began to sound like them. In some Indian writings, for example, those of the Madhyamika School of Buddhist philosophy founded by Nagarjuna, a rather relaxed view is taken of such contradictions. There are other possibilities than simply being empty or non-empty. For, as Nagarjuna says, "If something non-empty existed, then there might be something termed empty; there is no something non-empty, and so nowhere does there exist a non-empty something." In some cases, one can say that something or

*Richard H. Robinson, "Some Logical Aspects of Nagarjuna's System," Philosophy, East and West, Vol. VI, No. 4, January 1957, p. 297.

someone is "not to be called empty, nor non-empty, nor both, nor both-not." Everything is either true or not true, or both true and not true, or neither true nor not true; that is the Buddha's teaching."* That may explain why the Buddha was smiling on the occasion of the Indian nuclear explosion.

Desai, Satyagraha, Brahmacharya, and the Bomb

Whatever suspicions Westerners wedded to the Law of the Excluded Middle and other such trappings of mundane Western thought might harbor about the validity of the logic involved, one can hardly doubt that an attitude of mind that can contemplate with equanimity a statement being simultaneously true and false has its diplomatic uses. In fact, it seems to have found its political uses among our own officials. The replacement of the worldly Mrs. Gandhi by the other-worldly (though perhaps not unworldly) Morarji Desai, a famous Gandhian, seemed rather promising to those interested in slowing the spread of nuclear weapons. They recalled his emotional appeal to the Congress in 1965** shortly after the Chinese nuclear test, when he said,

Even from the practical point of view, ...possession of an atom bomb would not immediately add to the country's strength or give courage to every person in the country. 'Courage and fearlessness come from the minds within and not from the atom bomb.'

*Ibid., p. 302.

**Government of India, Congress Bulletin, January-March 1965. Subjects Committee on International Affairs at Durgapur, January 8, 1965, p. 47. See also Appendix C for the resolution proposed by Desai.

And the Congressional report continued:

Referring to the border dispute with China, Shri Desai said that the border issue could not be solved by China's throwing an atom bomb on India or by India throwing an atom bomb on China. Only a regular army with conventional weapons could take or retake territory.

To a member, Shri Desai said his speech on the previous day appeared to be impassioned. That was because he considered the matter so very serious that it was a matter concerning the whole future and ideals of the country. 'What are we living for? What did we acquire freedom for? What is this country going to develop into? All these factors are at stake in this matter,' said Shri Desai.

And, indeed, in the first week of his government Desai was saying some rather promising things: He had always been against the bomb. If there were no genuine civilian need for nuclear explosives, he would put a stop to those too, and so on. Coupled with his avowal of a return to a Gandhian emphasis on the village, his first remarks must have given atomic energy officials in India some bad moments.

However, the deliberate opacities of Mrs. Gandhi were not succeeded by a forthright rejection by Mr. Desai of the Indian nuclear explosive program. Nor even by a candid and continuous acknowledgment of its existence, nor by a recognition that India had actually acquired a nuclear weapons capability, that it had, indeed, detonated a nuclear explosive. On the contrary, the Prime Minister frequently called on the world to recognize the injustice of the fact that the United States "which

is proliferating" itself has asked India, which "does not proliferate" to sign a safeguards treaty. It is hard to find any statement by Mr. Desai which admits that the Indians did violate their peaceful use agreement with Canada and the United States on CIRUS and its heavy water. Mrs. Gandhi's worldly innocence on the subject was succeeded by Mr. Desai's sanctimony.

It is equally hard to find in the Lok Sabha or the Indian press any reference to the Indian violation of its obligation, any mention of the fact that it was India's violation of its agreement with the United States and Canada which had had not only worldwide repercussions, but which were responsible for the Congressional attempt to tighten its controls on nuclear exports in general and specifically on the export of slightly enriched uranium to India. It has been standard to refer to the American attempts to respond to the Indian violation as a "unilateral act," an American violation of its agreement with India. Here again, the Indian tenuous grasp of reality is reflected in some statements by American officials. In this vein, our ambassador to India wrote a remarkable letter to Congressman Ottinger to protest the Congressman's co-authorship of a move to block a pending shipment of nuclear fuel to India. In that letter he said that he understood that the Congressman wanted to reduce the danger of India "developing nuclear devices and becoming a nuclear proliferator."* Apparently, like Mr. Desai, he is unaware

*Letter of May 8, 1978 from Ambassador Robert Goheen. See Appendix A.

that the proliferation had already happened four years earlier. Moreover, he referred to a U.S. cutoff as "pre-emptive," blandly neglecting the fact that Congress and the U.S. government had been responding to Indian acts. It has long been familiar that ambassadors to country X have a tendency to act as ambassadors from country X. Our new ambassador to India appears to have made the transition rather quickly.

Satyagraha

During the Presidential campaign of 1976, Jimmy Carter had protested that "when India exploded its so-called 'peaceful' nuclear device, the United States made no public expression of disapproval." He indicated that we should not "reward" India by shipping her nuclear materials--specifically the slightly enriched uranium fuel that had been in controversy before the Nuclear Regulatory Commission. Before the end of the campaign, President Ford had indicated a basic change in U.S. policy and a stiffening of controls against proliferation. President Carter affirmed and extended this change in policy in April 1977. But when President Carter visited India some eight months later, he made no headway in persuading Prime Minister Desai to accept full scope safeguards in return for a shipment of slightly enriched fuel for Tarapur. He found, as he said (unfortunately into a live microphone in the presence of Mr. Desai and of numerous reporters) that Mr. Desai was "pretty adamant" and he felt he would have to send "a cold and very blunt" letter to him.

In the embarrassment that followed the discovery that the microphone was live, it is extraordinary that the only placatory act of expiation for this electronic accident that occurred to presidential advisors was to offer not simply the disputed fuel for the Tarapur reactor, but--of all the other possibilities less fatefully linked to India's own major transgression--a shipment of heavy water for their CANDU power reactors, for which we had never made a commitment.* It seems only appropriate then, after all the evasions and half-truths and untruths on that subject, that Mr. Desai should describe the bond he feels with the President as an identical "attachment to moral values, to religion in the real sense;" and "a deep attachment for truth."** As in other rather similar cases, Mr. Desai is referring to the Ghandian concept of satyagraha. Mahatma Gandhi has always insisted that this did not mean passive resistance, as his Western followers believed, but firmness in truth. The truth about the Indian nuclear explosives has tended to get lost in word plays. Are nuclear explosives, simply because they conceivably might be put to use in some dubious civil engineering project, thereby purified of their military utility? Has the nuclear sword thereby been beaten into a plowshare? Are we to hang very much on the difference between a nuclear explosive and a nuclear explosion? (U.S. officials have tended to do so in dealing with the Indians.) Is it all right for the Indians to have a capability to make nuclear

*See Appendix B.

**Newsweek, June 26, 1978, p. 46.

explosives or even a stockpile of nuclear explosives as long as they do not detonate them in peacetime? Can the sincerity of a Prime Minister's present intention not to explode them, especially in a war, be a sufficient guarantee to serve as precedent for a policy on proliferation?

The Indians apparently think so. See, for example, the answer of India's current ambassador to the United States, N.A. Palkhivala, to a question from John J. Fialka of the Washington Star:

India is the only country with the requisite sensitive technology that has made the unequivocal declarations that it will not have an explosion hereafter even for peaceful purposes, and it will not produce or acquire a nuclear weapon under any circumstances. The sincerity of our prime minister is beyond question, of Gandhian vision.*

When Fialka pursued him with the question: "What about the next government?" Pahlkivala answered:

When there is another government there will be time enough for you to rethink the problem of nuclear fuel. But why cut off the fuel at the time when we have a government of great sincerity, which is totally committed to the cause of non-proliferation and which your intelligence sources will tell you has not taken one single step towards another explosion or the making of a nuclear bomb? Why penalize such a country?**

Whatever else is the case, it is plain that the Indians are holding firmly, if not to the truth, at least to the possession of nuclear explosives. If they do not intend or want actually to use them, this does not distinguish them from, say, the United States

*May, 1978.

**Ibid.

or the Soviet Union. There is a sense in which this is likely to be true for all five other nations who have so far made nuclear explosives and exploded them in tests. They may never have to use them in bombing anybody. No one has used them in war since 1945. If this non-use were sufficient to define a nuclear non-proliferation policy, the number of countries making nuclear weapons and capable of, but not actually exploding them, could multiply very rapidly without any further "proliferation".

The Economist in July, 1977, had surmised that, "Mr. Desai, as a Gandhian pacifist of long standing...may carry more conviction with foreign governments than Mrs. Gandhi did when he also follows her in declaring that he will not use nuclear weapons."* For a follower of Mahatma--as distinct from Indira--Gandhi, to refuse to abandon a program for making nuclear explosives while declaring that he will not use them, may seem rather inadequate. However, even the Mahatma had his paradoxes of a similar sort. Like Morarji, the Mahatma took the vow of brahmacharya, which means not only complete chastity, but the elimination of sexual desire. Yet Gandhi, as we know, tested the strength of his conviction by sleeping naked with young girls. Apparently cohabitation with nuclear explosives is Morarji's idea of a test of the firmness in truth of his vow not to use them.

*July 13, 1977.

Pakistan, India and the Afghanistan Crisis

The Afghanistan crisis should be viewed as an opportunity for a rigorous definition of our policy on India as well as Pakistan in regard to nuclear weapons. It is basically the opposition or rivalry with India which has moved Pakistan toward the bomb. One of the important accelerating forces in this movement in the past has been American policy towards the two countries.

Since 1959, the U.S. has had a treaty arrangement with Pakistan. Article I of that treaty reads:

The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request.

President Carter has just reaffirmed this commitment (though as recently as the fall of 1978 some high U.S. officials were stating that similar wording in a treaty with Iran did not imply a commitment -- a pattern which we hope will not be repeated with respect to the President's efforts to help Pakistan.)*

*The January reaffirmation was spelled out somewhat more precisely during Brzezinski's February trip to Islamabad:

"....The basic U.S. commitment to defend Pakistan

On the other hand, the United States has not had an alliance with India. Yet it helped India immediately in the Sino-Indian war of 1962, supplying arms to it as well as to Pakistan. Before that, it was in good part Indian objections which had limited American aid to Pakistan. There is a good

in case of Soviet attack was spelled out in a letter to Zia from Carter that Brzezinski delivered Saturday, Feb. 27 officials said.

"...The U.S. clarification went far beyond the general wording of the 21-year-old security agreement, which obligates the two countries to consult in case of an attack on Pakistan and commits the United States to send troops or aid only by mutual agreement.

"If there is a small-scale Soviet raid on an Afghan refugee camp in a Pakistani territory,' Zia said, 'then we will try to sort them out to the best of our ability.' From the Americans, he said, 'we would expect, as the British say, tea and sympathy.'

"But if there were to be a large-scale invasion, Zia went on, 'then the 1959 agreement should be in operation.' He explained the distinction: 'I can't expect the United States of America to send its troops to guard Pakistan against small skirmishes, or against hot pursuit, or even small raids. That I should look after myself.'

"Later, U.S. officials amplified the point. 'If there were a border skirmish, Pakistan would have the capability to deal with it, and we would offer them -- as well as tea and sympathy -- anti-aircraft and anti-tank missiles. We do not envisage invoking the 1959 agreement if a Soviet platoon or battalion were involved.

"But if the Soviets launched an action with the purpose or effect of posing a genuine threat to the independence or integrity of Pakistan,' a U.S. delegation official said, 'then the United States would be engaged under the 1959 agreement.'"

Oswald Johnson, "U.S. Strengthens Its '59 Pakistan Accord," Los Angeles Times, February 4, 1980.

deal of evidence suggesting in fact that it was Nehru's violent reaction to CENTO which sharply limited U.S. participation and reduced the seriousness with which the CENTO alliance addressed the Soviet threat.

After 1962 the U.S. was supplying not only our ally, Pakistan with arms, but also India, a "non-aligned" country hostile to our ally. The Soviets meanwhile were sending arms only to India. In 1964 we cut off aid to both countries -- to our ally and to its enemy -- and called that even-handed. The Soviets, as we knew and as Pakistan knew, continued their supply to India. The Pakistanis did not regard this as even-handed.

In 1971 the Indians concluded a Treaty of Friendship with the Soviet Union and shortly afterwards used the occasion and possibly the excuse of the Pakistani government's bad behavior towards East Pakistan to proceed in the dismemberment of Pakistan. During this period the Soviets not only continued to supply the Indians with arms, but ran their air defenses for them.

According to Dr. Kissinger, throughout this third India-Pakistan war there was shystering to the effect that our treaty with the Paks was not a treaty of alliance.

The State Department was eloquent in arguing that no binding obligation existed; it regularly put out its view at public briefings. It pointed out that Article I spoke only of 'appropriate action' subject to our constitutional process; it did not specify what action should be taken. The Department

also claimed that the obligation was qualified by its context, the 1958 Middle East "Eisenhower Doctrine" resolution, which, it was argued, intended to exclude an India-Pakistan war. State simply ignored all other communications between our government and Pakistan.*

And this sort of quibbling continued in the sequel to the war and the discussions about arms aid. A parallel set of legalisms conceivably could also be called shystering, to the effect that the Treaty of Friendship with the Soviet Union didn't mean that the Indians were an ally of the Soviets. Just Friends. Though all this amicability had served its military purpose during the war dismembering Pakistan.

In May 1974, Indira Gandhi, who had concluded the treaty with the Soviets, directed her atomic energy commission to detonate a nuclear explosive in violation of her agreements with Canada and the U.S. The Indian explosive used highly concentrated fissile material, the plutonium from a "research" reactor supplied by Canada, and the heavy water supplied for peaceful purposes by the United States. The U.S. said almost nothing in protest and when, under Congressional pressure, we asked the Indians about it, they lied. Moreover, even after the facts were public and the international consequences apparent, the U.S. continued to supply India with slightly enriched uranium.

The Paks, who had been frantic at the prospect of an

*Henry Kissinger, White House Years. Boston: Little, Brown and Company, 1979, pp. 894-895.

Indian bomb, were not pleased by its appearance and still less by our reaction to it. But a succession of U.S. moves put pressure on this American ally and continued to favor the co-signer of the treaty with the Russians.

The French and British did not help matters by agreeing to sell India an advanced strike aircraft, the Jaguar GR-MK1 and T-MK2 to satisfy the requirements for Deep Penetration and Strike Aircraft (DPSA) specified by India's military.* The United States refused, meanwhile, to equip Pakistan with similar aircraft, or even somewhat less advanced jet fighters. Reports appeared in the press that high American officials were disposed to continue supplying nuclear fuel to India and, at about the same time, some American officials were even contemplating paramilitary destruction and possibly sabotage

*Training for Indian pilots on these models, the first of which were loaned by the British, started in February of 1979. The first group completed training early in the summer of 1979 and the first pair of Jaguars wearing Indian Air Force colors arrived at their base in Western India at the end of July. Phase I of the program calls for a loan from RAF stocks of 16 ground attack Jaguars and two trainers. Phase II involves production in the U.K. of 35 ground attackers and five trainers, to be delivered in 1981-82. The 18 loaned aircraft would then be returned to Great Britain. Phase III consists of the licensed production of the Jaguar in India. Estimates of the number to be produced vary from 100 to 200. Eventually, production of the whole aircraft is to be indigenous. "Jaguar Comes into Maturity," Air International, Vol. 17, No. 6, December 1979, pp. 269-275.

of the nuclear enrichment plant which the Paks had under construction.* The Paks found this treatment of an ally, if not underhanded, at least less than even-handed.

The Paks do have some security problems. Some, we continue to believe, have to do with the Russians, and this is now hard to doubt. They have problems with the Afghan satellite of the Soviet Union and the Baluchi insurgency which both Afghanistan and the Soviet Union might support in Pakistan. Neither of these problems can be seriously addressed with a Pakistani nuclear force. Yet they are real, and they have been evident for a long time. So also is their Indian problem. The Indians, on the other hand, have little or nothing to worry about in a Pakistani non-nuclear attack. They are overwhelmingly

*David Binder, "How Pakistan Ran the Nuke Around the End," New York Times, April 29, 1979 and "The Islamic Bomb," Time, July 9, 1979; Oswald Johnston, "U.S. Cuts Aid to Pakistan to Curb Nuclear Project," Los Angeles Times, April 7, 1979; Richard Burt, "Pakistan is Offered a Choice on A-Arms," New York Times, April 17, 1979 and "U.S. Will Press Pakistan to Halt A-Arms Project," New York Times, August 13, 1979; Seymour Topping, "Zia Denies Plan to Build Nuclear Bomb," International Herald Tribune, September 24, 1979; Michael T. Kaufman, "Pakistani Relations with U.S. Declining," New York Times, December 2, 1979. Mr. Topping, like many other journalists, has a clear expression of the U.S. official line: a myopia or refusal to recognize the existence of a nuclear weapons program in India, not to mention that they succeeded nearly 6 years ago in making a nuclear explosive and detonating it. "American officials say acquisition of nuclear weapons by Pakistan would impel India to begin a weapons development program and heighten danger of war on the subcontinent." (emphasis added) That program was begun, and brought to the stage Pakistan is striving to achieve, long ago.

superior, and they know it.* They should be bothered, however, by the prospect of a desperate irredentist Pakistan, equipped with nuclear weapons. And the United States should be bothered by nuclear programs in India or Pakistan or both.

The ingredients of a method for dealing with the problem have been present and apparent for some time. Dr. Kissinger is correct in saying (as he did on January 13th on Meet the Press), that it is not enough to pour in arms, as the U.S. did in Iran, and later in North Yemen. We have to tell the Paks that we will help them with their real security problems, which are indeed real enough. We must be willing to equip them with conventional weapons, but we must also commit ourselves to guarantee them against Soviet or Afghan attack. We should help them counter insurgency directly, and perhaps with some degree of indirectness by supporting Pakistani or Chinese aid to the insurgents inside Soviet-dominated Afghanistan. And we should help them on their Indian security problem by listening politely to Indian objections and requests for us to place constraints on our conventional military aid. We should also try to make clear to the Indians that their own nuclear explosive program must be decisively abandoned, if they want Pakistan to do the same, and especially if they want us to offer any nuclear fuel or other civilian

*The Indian armed forces are nearly three times the size of Pakistan's and the number of MIGs alone in the Indian Air Force equals the total number of Pakistan's fighter aircraft of all varieties. This is to say nothing of the 200 additional Jaguars India expects to get.

nuclear services. Instead, according to the press, it appears that we may do exactly the reverse.

Press reports indicate that we will give military aid to Pakistan, but some officials are quoted as saying that we will see to it that the weapons are not usable for offensive purposes against India, that they will be defensive weapons and, moreover, that we will give military aid to India as well.* Of course, giving military aid to both Pakistan and India is not going to be very reassuring to the Paks, since our aid to Pakistan is very constrained and they can anticipate its being cut off in case they are embroiled with India; and especially since they know that India is not being constrained in the weapons they receive from American allies. The constraint of being "purely defensive" is always a very difficult thing to define, since a country attacked generally wants to counterattack, and is at a disadvantage if it cannot. And this case may refer to a restriction in radius or some other performance characteristic, such as speed or ground attack capability.

The policy of the Carter administration on restraining military sales has had as one of its consequences a declared

*"Because of the sensitivity in India over the sale of A-7s to Pakistan...some State Department officials looking at range and payload tables want to provide the aircraft with a reduced range capability..." Aviation Week and Space Technology, January 14, 1980, p. 12. See also Tyler Marshall, "India Seeks Curbs on Aid to Pakistan," Los Angeles Times, January 30, 1980.

opposition to developing a fighter aircraft specifically for the purpose of export. The F5 series of aircraft, A through E, were developed under prior administrations. With the invasion of Afghanistan, administration officials have recently been speaking favorably of developing an "FX" for export.* However, it is not clear that the specifications for the FX, even if they are in other respects quite advanced, will meet the combat radius requirements of Pakistan. They may be constrained to have a considerably shorter radius than, for example, the Indian Jaguar. The international Jaguar has a typical attack radius hi-lo-hi with internal fuel of 440 nautical miles and with external fuel of 710 n.m.

It also appears that, instead of applying pressure or at least penalizing the Indians for violation of their agreements on nuclear cooperation and their continuing refusal to accept the restraints of the Non-Proliferation Treaty or otherwise to accept whole fuel cycle safeguards, we shall placate them, with the excuse of renewed U.S.-Pakistan relations, by letting them get their nuclear fuel and nuclear services without further impediments. This failure once more to be even-handed can only increase Pakistan's fears and make more certain that it will go ahead with a nuclear weapons program.

Finally, a panicked abandonment of any serious attempt

*See Appendix F.

to inhibit the spread of nuclear weapons to this area near the Persian Gulf would have a good chance of making the situation of Western interests in the Gulf more vulnerable in five or ten years than it is today. It will take five or ten years and a very large effort to increase Western presence close enough to the Gulf to bring a substantial amount of fire power to bear in a timely way for disrupting a Soviet surprise attack, and for assuring regional powers that we can intervene to help them against regional aggression and can do so under the shadow of Russian intervention. But in ten years we might see India, Pakistan, Iran, Israel and Libya armed with nuclear weapons.

The likelihood of this happening is increased by the even more shortsighted behavior of some of our major allies. The French, in return for transient concessions from the Iraqis, have agreed to give them several bombs worth of highly enriched uranium. And Brazil is using the technology it has developed with the aid of the Germans to help the Iraqis acquire nuclear skills of their own, which in turn will help them use the highly concentrated fissile material so kindly provided by the French.*

*The President of NUCLEBRAS, Paulo Nogueira Batista, visited Baghdad in great secrecy last fall to "offer the Iraqis assistance in training personnel, transferring technology to handle radioisotopes and uranium and providing knowhow not related to the Brazilian-FRG nuclear agreement that would require previous

It is even conceivable that, as a result, a few nuclear weapons may be made available to Palestinian terrorists. This ominous prospect is quite different from the persistence, in spite of our disapproval, of authoritarian practices of the monarchies in the area.

approval by the FRG Government and FRG enterprises participating in the program." Supposedly this assistance program excluded "sensitive" technology involving uranium enrichment and processing or any other technology that is to be imported from the FRG. (Jornal do Brasil, September 27, 1979.) More recent reports indicate otherwise.

BIBLIOGRAPHY

BOOKS

- 1.) Bhagavad-Gita (The Song of God), translated by Swami Prabhavananda and Christopher Isherwood, The New American Library (A Mentor Book), New York, NY, 1954 (a reprint of the original hardcover edition published by Harper & Brothers.)
- 2.) Cohen, Stephen P. and Richard L. Park, India: Emergent Power?, Crane Russak and Co., Inc., for National Strategy Information Center, Inc. 1978.
- 3.) Government of India, Annual Report of the Department of Atomic Energy 1976-1977, 1978
- 4.) Government of India, Congress Bulletin, Proceedings of the Subjects Committee Meetings of the All India Congress at Durgapur, India, Jan. 7, 1965, Ed. M.V. Ramara Rao, Nos. 1, 2, 3, Jan. - March, 1965, pp. 36-51, New Delhi, 1965.
- 5.) Menen, Aubrey, The Ramayana - A Mischievous Retelling of the Hindu Classic, Charles Scribner's Sons, New York, 1954.
- 6.) Khan, Munir Ahmad (Chairman, Pakistan AEC), Nuclear Energy and International Cooperation: A Third World Perception of the Erosion of Confidence, International Consultative Group on Nuclear Energy, The Rockefeller Foundation/The Royal Institute of International Affairs, New York and London, September, 1979.
- 7.) Murti, R.V., The Central Philosophy of Buddhism, Chapter 5, "The Structure of the Madhyamika Doctrine," pp. 122 - 164, Allen & Unwin, London, 1955.
- 8.) Radhakrishnan, Sarvepalli and Charles A. Moore, Eds., A Sourcebook in Indian Philosophy, "The Theory of No-Soul (or Self)," pp. 281 - 285, Princeton University Press, Princeton, NJ, 1957.
- 9.) Schmedtje, Jochen K., On Estimating the Economic Cost of Capital, International Bank for Reconstruction and Development, International Development Association, Report No. EC-138, October 21, 1965.
- 10.) Schweitzer, Albert, Indian Thought and Its Development, The Beacon Press, Boston, 1956.
- 11.) Seshagiri, N., The Bomb! Fallout of India's Nuclear Explosion, Vikas Publishing House PVT Ltd., Delhi.
- 12.) United States Comptroller General, Report to the Congress - U.S. Assistance to Pakistan Should Be Reassessed, Department of State Agency for International Development, ID-76-36, Feb. 6, 1976.
- 13.) United States House of Representatives Committee on International Relations, Export of Nuclear Fuel to India: Hearings and Markup, May 23, June 8 and 14, 1978, USGPO, 1978

14.) United States House of Representatives, Hearing Before the Subcommittee on International Security and Scientific Affairs and on International Economic Policy and Trade, Progress in U.S. and International Nonproliferation Efforts, March 12, 1979, USGPO, 1979.

15.) United States Senate, Committee on Governmental Affairs, Proposal for Subcommittee on Energy, Nuclear Proliferation and Federal Services, Legislative History of the Nuclear Non Proliferation Act of 1978, H.R. 8638 (Public Law 95-242), USGPO, 1979.

ARTICLES

- 1.) Ahmad, Eqbal, "In Pakistan, a Looming Crisis," New York Times, 1/17/79, p.23.
- 2.) Bhala, K.L., K.K. Dar, Y.N. Rama Rao, C.S. Sastri, and N.R. Mehta, "Review of Uranium, Thorium Deposits in India," United Nations 3rd International Conference on the Peaceful Uses of Atomic Energy - Proceedings, Held in Geneva, 8/31 - 9/4/64, V. 12, Nuclear Fuels - III. Raw Materials, pp. 86-93, New York, 1965.
- 3.) Binder, David, "How Pakistan Ran the Nuke Round the End," New York Times, 4/29/79, p. E5.
- 4.) Bray, Frank T. and Michael L. Moodie, "Nuclear Politics in India," Survival, Vol. XX, No. 3, May/June, 1977, pp. 111-116.
- 5.) Business Week, "New OPEC Third World Foreign Exchange Problem," 10/18/76, pp. 105-108.
- 6.) Chari, P.R., "An Indian Reaction to U.S. Non Proliferation Policy," International Security, Vol. 3, No. 2, Fall, 1978, pp. 58-61.
- 7.) Chen, ChiChang, "The Nature of Ch'an (Zen) Buddhism," Philosophy East & West, Vol. 6, No. 4, 1/57, pp. 333-355.
- 8.) Desai, Morarji, Press Conference, January 12, Official Transcript, "Nuclear Issues," 1978.
- 9.) Desai, Morarji, Speech, June 9, 1978, "Tenth Special Session of the U.N. General Assembly Devoted to Disarmament."
- 10.) Desai, Morarji, Speech in San Francisco, Civic Reception at City Hall, June 9, 1978.
- 11.) Desai, Morarji, Speech in San Francisco, World Affairs Council and Commonwealth Club, June 10, 1978.
- 12.) Desai, Morarji, Speech and Question and Answer Session at the National Press Club, Washington, D.C., June 14, 1978.
- 13.) Dunn, Lewis A., "Half Past India's Bang," Foreign Policy, #36, Fall, 1979, pp. 71-89.
- 14.) Gami, D.C. and D. Gupta, N.B. Prasad and K.C. Sharma, "Production of Heavy Water in India," Proceedings of the Second United Nations International Conference on the Peaceful Uses of Atomic Energy, Vol. 4, Production of Nuclear Materials and Isotopes, United Nations, Geneva, Sept. 1-13, 1958, pp. 534-539.
- 15.) Government of India: National Commission on Science and Technology, "A New Indian Programme: Science and Technology for Development," Minerva, Vol. XI, No. 4, October, 1973, pp. 537-570.

- 16.) Government of India: Department of Atomic Energy, "A Successful Underground Nuclear Experiment," Nuclear India, Vol. 12, No. 10, June, 1974, pp. 1-2.
- 17.) Kapur, Dr. Ashok, "India's Nuclear Test - Stretching Out the Options Or the First Step Towards a Weapons Program?," Center for the Study of Armament and Disarmament, California State University, Los Angeles, 5151 State University Drive, Los Angeles, California 90032.
- 18.) Koestler, Arthur, "The Yogi and the Commissar," The New York Times Magazine, October 5, 1969, pp. 27 ff.
- 19.) Marwah, Onkar, "India's Nuclear and Space Programs: Intent and Policy," International Security, Vol. 2, No. 2, Fall, 1977, pp. 96-121.
- 20.) Orwell, George, "Reflections on Gandhi," The Collected Essays, Journalism and Letters of George Orwell, ed. Sonia Orwell and Ian Angus Vol. IV: In Front of Your Nose 1945-1950, Harcourt Brace Jovanovich, Inc., New York, 1968, pp. 463-471.
- 21.) Riknye, Ravi, "The Indian Army on a Nuclear Battlefield," Journal United Service Institution of India, Vol. CIV, No. 436, July-Sept., 1974, pp. 248-261.
- 22.) Robinson, Richard H., "Some Logical Aspects of Nagarjuna's System," Philosophy East & West, Vol. 6, No. 4, Jan., 1957, pp. 291-308.
- 23.) Sarkar, S. (Ed.), "Atomic Energy," Hindustan Year-Book and Who's Who 1977, M.C. Sarkar & Sons Private, Ltd., Calcutta, pp. 12, 179-186.
- 24.) Seshagiri, N., "The Bomb," Science Today, Vol. 6, No. 4, October, 1971, pp. 23-62. Science Today (Times of India), P.O. Box 213, Times of India Building, Bombay-1.
- 25.) Sethna, H.N., "A Total View," The Energy Crisis, A Symposium on a critical priority in planning. Seminar, #182, October 1974, pp. 12-17.
- 26.) Sethna, H.N., "PNE Technology Vitally Important for India," Excerpts from a speech at the 18th session of the General Conference of the IAEA at Vienna on September 18, 1974, Nuclear India, Vol. 13, October, 1974.
- 27.) Staal, J.F., "Negation and the Law of Contradiction in Indian Thought: A Comparative Study," Bulletin of The School of Oriental and African Studies, University of London, Vol. 25, Part 1, 1962, pp. 52-70.
- 28.) Subramanyam, K., "India's Nuclear Policy," Chapter 6 of Nuclear Proliferation and the Near-Nuclear Countries, Marwah, Onkar and Ann Schulz, Ballinger Publishing Co., Cambridge, Massachusetts, 1975, pp. 125-148.
- 29.) Szulc, Tad, "How India Got the Bomb, and Why the U.S. Doesn't Seem to Care," New Republic, July 22, 1978, pp. 19-21.

30.) Thomas, K.T., "Peaceful Applications of Underground Nuclear Explosions," Nuclear India, Vol. 13, July, 1974, pp. 4 ff.

References on Indian and Pakistani Military Capabilities

- 1). Air International, "Jaguar Comes to Maturity", December 1979, pp.269-296
- 2). Aviation Week and Space Technology, "Arms Aid to Pakistan Expected", January 14, 1980.
- 3). DMS Market Intelligence Report, "SEPECAT Jaguar", DMS INC., Greenwich, Connecticut, 1978.
- 4). Jane's All the World's Aircraft, "International Programmes: Aircraft -- SEPECAT", pp.88-89.
- 5). Military Aviation News, (Swiss publication for Businesses - indexed as MILAVNEWS):
 - "Indian Air Force", AL-204-10-78
 - "India--Jaguar Contract Problems" NL 209/3/79 and NL 210/4/79
 - "Pakistani Air Force", AL-196-2-78
 - "Pakistan-U.S. Nuclear Fears", NL 211-5-79
- 6). Military Balance, 1979-80, International Institute for Strategic Studies, London, 1979.

APPENDIX A



AMBASSADOR OF
THE UNITED STATES OF AMERICA

NEW DELHI

May 8, 1978

The Honorable
Richard Lawrence Ottinger
House of Representatives
Washington, D.C., 20515

Dear Dick:

I have been distressed to learn of the move you and Congressman Long have made to block the pending shipment of nuclear fuel to India. While I fully appreciate your intent to reduce to the minimum the danger of India becoming a nuclear proliferator, I submit that to try to put the squeeze on India in this manner at this time is the worst possible way to accomplish that objective.

India is not going to knuckle under to us on the nuclear issues. If we preemptively cut off U.S. supplies, its first response will be to attempt to develop its own technological substitutes--including probably reprocessing the Tarapur spent fuel resulting from past U.S. supplies. At the same time India will almost surely turn to the U.S.S.R., who I think is only too likely to step in to the breach we shall have created at Tarapur. At that point our overall objectives here, both in the nuclear area and more broadly, will have been thrown for a very bad loss.

I am convinced that our best hope of bringing the Indians into line with our non-proliferation objectives is through persuasion--through negotiations in good faith. This requires time. As I read the Non-Proliferation Act of 1978, the Congress in its wisdom sought to provide for such time, for just such situations, when it provided for an 18-month grace period in which the necessary adjustments in the policies of countries seeking U.S. supplies could be sought. (NRC Commissioner Kennedy's recent statement puts this very well, it seems to me.)

It may be that we shall not be able to persuade India to accept full scope safeguards by the end of the eighteenth month period, but that should not be a foregone conclusion. There remains a significant chance that we can, in my opinion, especially if we and the Soviets make some real progress on SALT and the CTB during the interim.

But even if the Indians remain adamantly opposed to accepting full scope safeguards at the end of the 18 months, there are some proximate, lesser but not insignificant, objectives that we should not be surrendering at this point. They include (1) the continuation of IAEA safeguards on the Tarapur reactors, in the event our current supply agreement is terminated; (2) an agreement by the GOI to forego reprocessing of the large amounts of U.S. supplied spent fuel that it holds at Tarapur, in the same event; and (3) a strengthening of India's current commitments not to develop nuclear devices and not to engage in the export of dangerous nuclear technology. In my judgment, these are significant concessions that we need to try to extract from the Indian Government over the coming months. Compulsion will not gain them. India's pride is too great and too aroused. That is absolutely clear. India may, however, still be persuaded to bargain if we treat it as an equal.

For any such bargaining, however, the only "chip" that we have to help us secure the objectives listed is an ability to be a reliable and non-begrudging supplier during the months that remain for negotiations under our new law. In other words, we must not take ourselves out of the play prematurely, and I hope very much that you will reconsider your opposition to the President's Executive Order, as it would if successful do precisely that.

According to the press reports reaching here, you apparently interpret as an effort at "nuclear blackmail" the Prime Minister's statement that India would feel free to reprocess the fuel that we have supplied if we unilaterally abrogate the existing supply agreement. I assure you that that was not at all his intent. As he and most Indians see the matter, the U.S. has a solemn and binding agreement to be a reliable supplier of enriched uranium for the Tarapur power reactors. In return for that agreement, India contracted not to turn to any other supplier for those reactors, not to reprocess Tarapur's spent fuel without our approval, and

to accept IAEA safeguards on the Tarapur reactors. From the Indian point-of-view, if the U.S.A. unilaterally breaks its part of the joint agreement, India is released of the obligations it had undertaken under that agreement. It is not a matter of a threat or "blackmail"; it is more a matter of self-respect and of trying to meet in some other way the urgent power needs of the Bombay City/Gujarat region.

I cannot conclude without adding my concern that the broader relationship that we have been reestablishing with democratic India can all too easily become shipwrecked on the Tarapur issue. This is another reason that we need more time--to not have a precipitous end put to the U.S. supply agreement by Congressional action. If we must finally cease to be Tarapur's supplier, we need time to work out an orderly disengagement of the sort that will maintain a measure of mutual respect and goodwill on both sides. With mutual determination over the next year to year-and-a-half, we should also be able so to strengthen other parts of the Indo-U.S. relationship that it will be better able to survive the trauma of a break on the nuclear questions if that must come. But neither of these things is instantly assured or assurable.


As I see things, democratic India and democratic America can be powerful aids to one another as they both confront the North-South issues that are going to be such critical determinants of the state of the world in the late twentieth century. In the multilateral diplomacy that is necessarily the style of the shifting and multipolar world in which we now live, we need India's understanding, support and leadership among the LDC's. On its side, the present Indian government clearly sees its need for the same sort of role from us among the developed countries.

In case you have not seen it, I am sending you under separate cover a copy of the "Delhi Declaration" signed by President Carter and Prime Minister Desai last January. It expresses succinctly the deep common interests that we share and that can be the basis for the sort of global collaboration of which I am talking if we give it a fair chance. Already India and the U.S. are working together to find broadly acceptable solutions to many sensitive issues, as for example those of Namibia and Rhodesia.

I have no doubt that you, as I, would like to see this sense of mutuality between the two countries grow and be strengthened in the interests of peace and human dignity. But the nuclear issues are so charged with emotion and feelings of self-righteousness in both countries, that they are likely to undercut the broader relationship unless they are handled very carefully. I ask your understanding of this and your help in building between the U.S.A. and India attitudes of mutual respect and mutual interest, as against giving way to confrontation and recrimination.

With best regards,

Sincerely,


Robert F. Goheen

Appendix B

LICENSING REQUIREMENTS FOR EXPORT OF
HEAVY WATER TO INDIA*

On January 2, 1978, in an address to the Indian Parliament,
President Carter said:

"We have notified Prime Minister Desai that shipments of nuclear fuel will be made for the Tarapur reactor. And because of an accident that did occur in your heavy water production plant, we will make available to India also supplies from our reserves of heavy water." **

Unlike the nuclear fuel for India's Tarapur Atomic Power Station ("TAPS"), the proposed export of heavy water is not subject to licensing by the U.S. Nuclear Regulatory Commission, but rather by the Department of Commerce, Office of Export Administration.

Under the Export Administration Act of 1969, as amended, the President "may prohibit or control the exportation from the United States...of any articles materials, or supplies...except under rules and regulations he shall prescribe," to carry out the policies set forth in section 3 of this act, namely, national security and protection of the domestic economy.***

*I am indebted to S. Jacob Scherr for this material.

**New York Times, January 3, 1978, p. 16.

***Export Administration Act of 1969, as amended, 50 App. U.S.C.A. §2403(b)1. (Pamphlet 2, 1977).

Pursuant to Executive Order 12002, President Carter reaffirmed the delegation of this authority to the Secretary of Commerce and the validity of existing Department of Commerce regulations.*

These regulations, specifically 15 CFR Part 378, "Special Nuclear Controls", apply to the proposed shipment of heavy water to India. A validated license is required for exports to all destinations of any commodity:

"which has not been specifically designed or specifically modified for use in designing, developing or fabricating nuclear weapons or nuclear explosive devices, but which the exporter knows, or has reason to believe, will be used for one or more of these purposes." 15 CFR §378.1(a)

In regard to the commodities listed in Supplement 2 to Part 378, which includes heavy water, 15 CFR §378.5 states:

"Consistent with its obligation under the Nuclear Non-Proliferation Treaty (NPT) and U.S. non-proliferation policies, the U.S. Government will not authorize the export (of such commodities) to non-nuclear weapons states not party to the NPT for peaceful purposes until the consignee government...certifies in writing to the U.S. Government either

- (a) that the export will be subject to the terms and conditions of an appropriate Agreement for Cooperation; or
- (b) that (1) the source of (sic) special fissionable material produced, processed or used in any facility in which the item is used shall not be used for nuclear weapons or nuclear explosive devices or for any military purposes;

*Executive Order 12002, §§1,6, 42 Fed. Reg. 35623-4 (July 11, 1977).

(2) safeguards, under an agreement with the International Atomic Energy Agency (IAEA) in accordance with its safeguards system, will be applied to such source or special fissionable material;

(3) the equipment or material to be exported will fall under a safeguards agreement with the IAEA; and

(4) the commodities will not be reexported to any non-nuclear weapons state not party to the NPT unless arrangements corresponding to those required hereby are made with the government of the country or the international organization receiving such reexport."*

The proposed export of heavy water to India would not be covered by either the U.S.-India Agreement for Cooperation** or the U.S.-India-IAEA Safeguards Agreement.*** Both of these agreements are limited to materials, equipment, and devices for use at, or in connection with, TAPS, whose two light water reactors do not require heavy water as a moderator. Thus, prior to the shipment of the heavy

*Heavy water also is on the "trigger list" which is a part of the joint sales guidelines recently agreed upon by supplier nations, including the U.S. In order to purchase any item on the list, an importing country must meet basically the same requirements as those in (b) of 15 CFR §378.5. Washington Post, January 12, 1978, p. A-3.

**Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning the Civil Uses of Atomic Energy, August 8, 1963, 14 UST 1484, TIAS No. 5446, (entered into force October 25, 1963).

***Agreement Between the International Atomic Energy Agency, the Government of India and the Government of the United States of America Relating to Safeguards Provision, January 27, 1971, UST _____, TIAS No. 7049, (entered into force January 27, 1971).

water to India, the conditions set out in (b) above must be met.*

The Commerce Department licensing regulations apply to exports by federal government agencies, as is the case here where the heavy water for India is to be supplied from U.S. Government reserves. The Export Administration Act, as amended, permits the President to prescribe export rules and regulations to apply to "financing, transporting and other servicing of exports and the participation therein by any person (emphasis added)."** The term "person" is defined by the Act to include "any government or agency thereof."*** The Commerce Department regulations, specifically 15 CFR Part 370, "Export Licensing General Policy and Related Information," adopts the same approach. There is no basis either in the Act or in the regulations for the argument that the proposed transfer by the U.S. Government of heavy water to India would be somehow exempted from the requirements of 15 CFR §378.5.

In summary, prior to the proposed export of heavy water to India, the U.S. Government must either negotiate a new Agreement for Cooperation with India or obtain from India:

(1) a pledge that special nuclear materials produced in the facilities using the heavy water will not be used for nuclear weapons or explosives, or any military purpose;

*The lack of a U.S.-India Agreement for Cooperation covering heavy water may have accounted for the odd 1971 arrangement with the Canadian government whereby U.S.-owned heavy water in Canada was leased to the Indian Government. The heavy water was to be used for the Rajasthan reactors, subject to safeguards under a Canada-India-IAEA Safeguards Agreement. According to the Canadian Embassy, this trilateral safeguards agreement remains in effect despite the Canadian decision in 1976 to end its nuclear cooperation with India.

**50 App. U.S.C.A. §2403(b)(1).

***50 App. U.S.C.A. §2410(1).

(2) an agreement with the IAEA and the U.S. to apply safeguards to such special nuclear material and the heavy water; and

(3) a pledge that the heavy water will not be reexported to non-NPT non-nuclear weapons countries unless arrangements are made corresponding to those required for this transaction.

Appendix C

MORARJI DESAI'S VIEWS IN 1965*

36

INTERNATIONAL AFFAIRS

Shri Morarji Desai moved the following draft resolution on 'International Affairs':

"The Indian National Congress reaffirms its determination to continue to pursue the policy of non-alignment and peaceful co-existence, which in the context of the recent changes in the international situation has an ever widening and constructive role to play in the maintenance and consolidation of international peace and security. The use of force in certain parts of the world and the danger to world peace arising therefrom has convinced the Congress more than ever of the need to pursue the objectives of general and complete disarmament including prohibition of use of nuclear energy for non-peaceful purposes. The vast advances in science which can do so much for the prosperity and well-being of humanity should be exploited only for the purpose of peaceful development and progress of mankind. The Congress declares that efforts be redoubled for the development of the peaceful use of atomic energy for the prosperity and well-being of the Indian people.

"The Congress deplores the nuclear explosion conducted by the People's Republic of China in defiance of world opinion and the sustained efforts being made by the vast majority of the nations of the world towards cessation of nuclear tests. This further proliferation of the atom bomb has increased the menace to the peoples of the world. The peace-loving nations should now unite together in raising their voice against this increasing threat to human existence. It is essential for the United

*"Proceedings of the Subjects Committee Meetings at Durgapur," Congress Bulletin, Nos. 1, 2 & 3, January-March 1965. Indian National Congress, New Delhi, India, pp. 36-46.

Nations and the major nuclear powers to give urgent and serious attention to this problem so that the danger of vast devastation to mankind by any use of nuclear weapons is obviated. The Congress recognises that the Moscow Partial Test Ban Treaty helped to achieve a measure of success and hopes that the countries who have not already done so should subscribe to the Moscow Test Ban Treaty which should also be extended to cover underground tests.

"The Congress welcomes the reaffirmation of the principles of peaceful co-existence by the Cairo Conference, and expresses the hope that General Assembly of the U.N. would adopt these principles on the occasion of its 20th anniversary. The Congress attaches particular importance to the principle that "State must abstain from all use or threat of force directed against the territorial integrity and political independence of other States ; a situation brought about by the threat or use of force shall not be recognised, and in particular the established frontiers of States shall be inviolable. Accordingly every State must abstain from interfering in the affairs of other States, whether openly or insidiously or by means of subversion and the various forms of political, economic and military pressure".

"The Congress notes with satisfaction the efforts which are being made to further strengthen and develop our relations with Afro-Asian countries generally and in particular with India's neighbours."

Moving the resolution, Shri Desai said that generally they passed a resolution on 'International Affairs' each year in the Annual Session. But this year with China's atomic blast, the situation had become more complicated. He was unhappy over the recurring talk of the bomb and requested the critics to speak out to their fill today about the bomb policy and keep quiet in future. The resolution, Shri Desai said, urged the entire world to confine the use of nuclear energy to peaceful uses. "We are not hypocrites, we would not ask other nations to refrain from the bomb and ourselves go ahead with it", Shri Desai said, "We do not mind suffering for the cause of world peace, but we will not like the world to be destroyed, with ourselves enjoying peace." Apart from the fact that the

manufacture of the bomb would not fit in with loyalty to the ideal of Mahatma Gandhi and Shri Nehru, Shri Desai said he did not consider it a fit answer to the Chinese challenge. "Neither you can conquer China nor China can conquer you, whatever be the number of atom bombs. Resort to the bomb is not even an utilitarian approach."

Referring to the policy of non-alignment, Shri Desai said, their policy was based on familiar ground which was a product of India's attitude dating back to the pre-Independence days. It was not motivated by a desire to gain in international dealings, that it was a well-considered policy which could be sustained despite such unexpected events as the Chinese aggression on India. Peace and non-alignment were matters not of convenience but India's basic creed. Shri Desai continued, India had decided to keep away from the Power Blocs and to fight for peace not with any selfish motive but because she was genuinely interested in abolition of war. "An India with atom bomb would not be India of Gandhi and Nehru," he said.

Referring to the demand of a referendum on atom bomb issue, Shri Desai said that he was not prepared to leave such a serious issue to be settled by general referendum, but considered it a case for a firm decision by leaders.

Seconding the resolution, Shri B. P. Chaliha said that this resolution was not a routine resolution. The world situation was deteriorating and they had to understand it. He, therefore, attached great importance to this resolution, he added. In this important resolution India's policy of peace, non-alignment, and abolition of nuclear weapons had been reaffirmed. This great democracy of Asia wanted the world to know where it stood.

The policy of peaceful co-existence, non-alignment and use of nuclear energy for peaceful purposes only, was shared by other non-aligned nations of the world. "We want to strengthen the forces of peace in the world and have better relations with our neighbours", Shri Chaliha added.

Referring to the Non-aligned Nations' Conference at Cairo, Shri Chaliha said, that there were many nations in the world who subscribed to the policy of non-alignment, peaceful co-existence and use of nuclear energy for peaceful purposes.

Therefore, they wanted to declare through this resolution that India was with those who wanted peace and co-existence and who wanted to use the atomic energy for the prosperity and the good of the people.

The House adjourned at 7.10 p.m. to meet again at 9.30 p.m. on 7th January, 1965.

(January 7, 1965—9-30 p.m.)

The Subjects Committee met again at 9-30 p.m. on Thursday, the 7th January, 1965 at Congressnagar, Durgapur. Shri K. Kumaraj presided.

Consideration of the draft resolution on 'International Affairs' was resumed.

Shri K.V. Reddy (A.P.) moved and explained the following amendments : The following be added in the 3rd line of 2nd paragraph :

1. "This meeting suggests to the Govt. of India to explore possibilities of holding a non-aligned and like-minded nations' Conference in India to mobilise world opinion against Chinese explosion of atom bomb and also to utilize atomic energy for peaceful uses."
2. Following may be added in the end of the resolution ;
"This meeting urges upon the Govt. of India to make positive efforts to include Soviet Union and Malayasia in the forthcoming Afro-Asian Conference."

Shri Joachim Alva (Mysore) moved and explained the following amendment :

Add the following as last sentence to para 3 on page 2 :
"The Congress emphasises the importance of its entire neighbouring area, comprising of South East Asia, Africa and the extensive region of the Indian Ocean, and stresses the paramount need of keeping this area free from tensions, pressures and the dangers of the 'Cold War'.

Shri Bhagwat Jha Azad (Bihar) moved and explained the following amendment :

At the end of the first para, add :
"But the Indian National Congress resolves its right to recommend the use of nuclear power for the defence of

the country if and when her sovereignty and territorial integrity is threatened by any foreign nuclear power."

Shri Bibhuti Mishra and Shri Kamalnath Tiwari, members from Bihar, moved the following amendment jointly, which was explained by *Shri Bibhuti Mishra* :

प्रस्ताव के आगे नीचे लिखे सुधार को जोड़ना चाहता हूँ :

"कार्यसमिति द्वारा प्रस्तुत प्रस्ताव के भाव और भावना का हृदय से स्वागत करते हुए वर्तमान अन्तरराष्ट्रीय परिस्थिति में यह अत्यावश्यक दीखता है कि भारत अपनी तथा अपने पड़ोसी देशों की सुरक्षा के लिए अविलम्ब प्रत्युत्तर का निर्माण प्रारम्भ करे।"

Shri K.C. Pant (U.P.), speaking on the resolution, said that the highest morality for the State in his opinion was to assure safety and security to its citizens. He felt that nothing was more supreme than this objective of the State. He could also not understand how killing with a bomb was more immoral than killing with a bullet. Explosion of nuclear device by China, *Shri Pant* said, had undoubtedly created a new situation for the world. Of course, this development has created an agonising situation for India, because of geographical conditions of our country and political power issues, which one could not neglect. Peking's nuclear strength should not paralyse them nor provoke them into hasty and ill considered actions. There was need to consider calmly the whole situation, and that was why he had tabled a non-official resolution urging the Government to appoint a Committee to consider the full implications of nuclear explosion device by China.

Shri P.V. Narasimha Rao (Andhra) moved and explained the following amendments :

1. The third sentence in para 2 of the resolution to be replaced by the following sentence :
"It is essential for the United Nations and the major nuclear powers to give urgent and serious attention to this problem so that the danger of vast devastation to mankind due to the possession of nuclear weapons by an unscrupulous and expansionist power, is obviated."
2. After the second paragraph, add the following new paragraph :

"The Congress hails the U.N.O. on the eve of its twentieth anniversary. This Organisation, despite the various handicaps it had to face, has done commendable work in the preservation of world peace and the promotion of world prosperity. The Congress, however, regrets the reported decision of Indonesia to withdraw from the U.N. and apprehends that this trend will ultimately strengthen forces inimical to world peace. The Congress hopes that every effort will be made to discourage actions which tend to detract from the authority and united character of the U.N.O. and foster lawless tendencies in international affairs."

Shri Sitaram Kesari (Bihar) moved and explained the following amendment :

Substitute the word "recognised" used in ninth line in 3rd para by putting "tolerated" which will be read as follows :
"A situation brought about by the threat or use of force shall not be tolerated."

Shri Said Ahmad Ansari (U.P.) moved and explained the following amendment :

The last para may be substituted by the following :
"The Congress feels that the relations with Afro-Asian countries generally and India's neighbours in particular require further efforts."

Shri S.N. Mishra (Bihar) moved and explained the following amendments :

1. After the second sentence in the 1st paragraph add :
"Pending this consummation so devoutly hoped for, it is necessary to strengthen the peace-keeping functions of the U.N.O."
2. In the second paragraph add in the second line after "opinion" :
"Bandung and Cairo declarations".
3. After the 2nd paragraph add another paragraph :
"The Congress wants to warn that this moratorium is bound to be a short-lived one if conditions reassuring to the non-nuclear countries are not created during the next two years."

Shri N. Sri Rama Reddy (Mysore) moved and explained the following amendment :

At the end of para 2 page 2 add the following :

"With this end in view this AICC calls upon all the nuclear nations of the world to join together in offering a nuclear-shelter guaranteed to all the non-aligned non-nuclear nations of the world so that each nation may function in peace and for the economic prosperity and happiness of its people instead of engaging in proliferation of nuclear or other military weapons."

Shri Kedar Pandey (Bihar) moved and explained the following amendment :

The following be added at the end of the resolution :

"The AICC while fully supporting the policy of non-alignment and peaceful co-existence pursued by the Government of India so far, requests the Govt. of India to make efforts to see that any doubt with respect to the soundness and effectiveness of its policy in the minds of the citizens of the country generally and Congressmen particularly be removed and to see that all are inspired to face any eventuality in future."

Shri T. Chengalavarayan (Tamilnad) speaking on the resolution said that the Congress had always approached the question of foreign policy in broader global perspective. Our great leader Pt. Jawaharlal Nehru had formulated the philosophy of global peace not only as an alternative to war but more as a defensive arrangement for every country in this world. Moreover, it was a defensive strategy in itself. In that perspective they had to understand every international issue. If they spoke of disarmament, it was again in furtherance of defensive strategy for every part of the world. The Test Ban Treaty was again in furtherance of the defensive strategy of the world. Their desire for the abolition of the nuclear weapons, was also directed to this end. Therefore, this resolution pinpointed some of the fundamental foundations of our foreign policy. They knew that non-alignment had been our sheet-anchor ; disarmament had always been their slogan and today in the context of the Chinese explosion of the nuclear bomb,

there had been a sense of national danger. So far as our defensive arrangements are concerned, "I am afraid we are not going on proper lines. The question of atomic retaliation is not only politically, militarily or psychologically so easy." It had its international commitments. He would like the House to consider what would be its repercussions on non-nuclear nations.

Concluding Shri Chengalavarayan said that they should not get lost in this dilemma as to whether they should have an atom bomb or not and think of its far-reaching consequences.

Shri Radha Raman (Delhi) moved and explained the following amendments :

Add after para one :

"The Congress further enjoins on all Congressmen to continue to have full faith in the ultimate acceptance of this policy by all nations."

Add after last para :

"The Congress also trusts that its and Indian Government's present stand, particularly towards China, will find greater appreciation among them."

Shri Ram Sahay Pande (M.P.) moved and explained the following amendment :

तीसरे पैराग्राफ की छठी लाइन में 'अखण्डता के विरुद्ध' के आगे 'दूषित प्रचार' और जोड़ दिया जाए।

Shri Shibbanlal Saxena (U.P.) moved and explained the following amendment :

Delete the third sentence in para 2 of the Resolution.

"The peace-loving nations should now unite together in raising their voice against this increasing threat to human existence." and substitute the following sentences in its place :

"India, which suffered a major Chinese invasion in October, 1962 and which continues to be a victim of aggression by China which still occupies about 15,000 square miles of Indian territory by force, is most reluctantly forced under these circumstances to go in for the

manufacture of the Nuclear Bomb to provide effective deterrent against any Chinese nuclear attack.

"But India gives a solemn pledge that it would be the first to destroy its nuclear weapons even after successfully manufacturing them, if the other nuclear powers including China came to any agreement with regard to total nuclear disarmament.

"The peaceful nations should, therefore, unite together and continue to raise their voice against this increasing threat to human existence."

Smt. Shantabai Kotecha (Maharashtra) supporting the resolution said that there had been sufficient discussion on the question of manufacture of atom bomb in the Guntur AICC meeting. If India agreed to manufacture the atom bomb it would amount to a change in their basic policy of peace and co-existence. They all knew that India had been endeavouring to maintain peace in the world and to end war and our late revered Panditji was known as a symbol of peace. He had been all along deploring war. India's moral strength before the world had been of peace and that was how and why they could counteract the Chinese menace. Gandhiji insisted on moral values and could win freedom without using any force. How could they then say that they should abandon the policy of peace while contracting Chinese nuclear explosion. In case India went into manufacture of atom bomb she felt that neither they would not only be not strong enough in nuclear power, but also they would lose their moral strength. Concluding *Smt. Kotecha* said that the people of the country were already hard-pressed and further heavy expenditure of say, nearly Rs. 50 crores to start manufacture of nuclear weapons would break their backbone.

Sardar Unrao Singh (Punjab) moved and explained the following amendments :

1. In line 6 between the words "the use of force" and the words "and in certain parts" insert the following "on our Northern Frontier".
2. In line 10 between the words "energy for" and "non-peaceful" insert the word "aggressive".

3. The last sentence of para 1 (last 2 lines) shall be replaced by the following new sentence ;
"The Congress declares that efforts be redoubled for the development and production of atomic energy for the safety, prosperity and well-being of the Indian people."
4. In line 6 of para 2, after the words "people of the world" add the following :
"and especially to the people of India".
5. In the last para in the end add the following :
"and hopes these relations shall be developed more closely, by mutual understandings and exchange of parliamentary, cultural and sports delegations."

Shri Laxmiramān Acharya (U. P.), speaking on the resolution, said that sufficient light had been thrown on all aspects of the resolutions. They should not lose their balance of mind simply because China had manufactured the atom bomb. They should keep in mind the recent history of 1946 when our late Panditji propounded certain principles. The House would recall that in 1946 Stalin was alive and used to say that either capitalistic world would survive or our socialistic world would live. That was the time when in Korea nearly 1½ lakh American soldiers were killed. Those were the days when every morning they used to fear that another world war might break out. The world was terrorised and was divided into two blocs. It was during these days that when our revered Panditji propounded the principles of co-existence and neutrality or non-alignment. Shri Acharya said that because of Chinese nuclear fear, they need not give up their basic principles, and be frightened by the atom bomb.

Shri Maniram Kanchan (U. P.) supporting the resolution said that it was drafted on the principles of peace and non-alignment propounded by Panditji. Those friends who argued for India's manufacture of atom bomb said that China was growing stronger with the nuclear power. He would say to them that recently when the Chinese attacked India and the Indians had to retreat at some places, it was our principles which compelled China to withdraw. It was not the power of our

arms but the power of diplomacy which compelled them to withdraw. Today the war of diplomacy was more important than actual use of powerful arms.

Concluding, Shri Kanchan said that they should tell the Governments and leaders that they should preserve our freedom. It was not wise for them to go into details of armaments or ways and means for self-defence, and, therefore, this discussion on the atom bomb issue was not useful or purposeful, and was highly undesirable.

The House then adjourned at 12.30 a.m. to meet again at 9.30 a.m. on 8-1-1965.

Department of State

INCOMING
TELEGRAM

APPENDIX D

Prime Minister Desai's Comments on
Nuclear Questions: Press Conference,
January 12, 1978

SUBJECT: NUCLEAR ISSUES: PM'S PRESS CONFERENCE

REF: NEW DELHI 8855

THE FOLLOWING IS THE OFFICIAL TRANSCRIPT OF PRIME MINISTER
DESAI'S COMMENTS ON NUCLEAR QUESTIONS AT HIS JANUARY 12 PRESS
CONFERENCE:

QUOTE

QUESTION: SIR, REGARDING OUR NUCLEAR POLICY, IT HAS BEEN
REPORTED THAT YOU HAVE SAID SOMETHING TO THE
AMERICAN PRESIDENT AND SOMETHING ELSE TO THE
BRITISH PRIME MINISTER. COULD YOU TELL US AS
TO WHAT EXACTLY IS THE POSITION? WHAT SORT OF
SAFEGUARDS YOU WILL ACCEPT AND WHAT THE CONDITIONS
ARE FOR SIGNING THE NPT?

PRIME MINISTER: YOU SEEM TO BE SEEING DIFFERENCE WHERE
THERE IS NONE. PERHAPS THAT IS A SPECIAL
QUALITY. BUT I DO NOT SEE HOW I HAVE STATED
DIFFERENTLY TO THE TWO DIFFERENT LEADERS. I
HAVE SAID THE SAME THING TO BOTH OF THEM.
I DO NOT SEE WHERE THE DIFFERENCE LIES. IF
YOU POINT OUT TO ME THE DIFFERENCE, THEN I
CAN TELL YOU.

QUESTION: THE BRITISH PAPERS ARE CARRYING THIS REPORT
THAT MR. CALLAGHAN HAS BEEN ABLE TO PERSUADE
YOU TO ACCEPT RELAXATION WITH REGARD TO SAFEGUARDS,
BUT YOU MAY NOT SIGN THE TREATY. THERE
IS ONE CONDITION: IF THE USSR, THE UK AND
THE USA SIGN A COMPREHENSIVE TREATY, YOU WILL
ACCEPT FULL-SCALE SAFEGUARDS. THIS IS THE
IMPRESSION WHICH HAS BEEN CONVEYED BY THE
BRITISH PRESS, MORE OR LESS SUGGESTING THAT
MR. CALLAGHAN HAS GAINED WHERE MR. CARTER HAS
FAILED. THIS IS NOW THEY HAVE PROJECTED THE
VISIT OF MR. CALLAGHAN.

PRIME MINISTER: WHY SHOULD WE GET MR. CARTER INTO THIS
RIVALRY? I SAID THE SAME THING TO MR. CALLAGHAN,
THE SAME THING THAT I HAD SAID TO
PRESIDENT CARTER. I HAVE MADE NO DIFFERENCE.

QUESTION: WHAT HAVE YOU TOLD HIM?

PRIME MINISTER: WHAT HAS BEEN PUBLISHED.

QUESTION: IN THE BRITISH PRESS OR THE AMERICAN PRESS?

PRIME MINISTER: BOTH PUBLISHED THE SAME THING. BUT YOU
READ IT DIFFERENTLY. THAT IS ALL. BUT, IF YOU
WANT IT TO BE STATED NOW, I CAN TELL YOU AND WE
NEED NOT BEAT ABOUT THE BUSH AND THERE IS NOTHING
IN IT.

QUESTION: IT WILL BE MUCH BETTER IF WE RESTATE OUR POSITION.

PRIME MINISTER: YES. BUT I DO NOT THINK THAT EVEN THAT
WILL LAY IT TO REST. YOU WILL ALWAYS FIND
SOMETHING ELSE IN THIS JUST AS THE PHOTOGRAPHERS FIND SOMETHING
NEW ON MY FACE EVERY DAY. YOU WILL ALSO
FIND SOMETHING NEW IN EVERY QUESTION.

MOA

QUESTION: YOU CAN RESTATE THE POSITION.

PRIME MINISTER: IF YOU ALLOW ME TO DO IT, I WILL DO IT
THEN. YOU SEE, WHAT I SAID WAS THAT SINCE THERE
ARE NATIONS WHO WANT US TO SIGN THIS AS LONG
AS THEY HAVE ARSENALS OF ATOMIC WEAPONS AND
THEY GO ON MAKING EXPLOSIONS AND FORGING NEW
WEAPONS AND ARE ADDING TO THEM, NOW THEY CAN
ASK US WHO DO NOT WANT TO HAVE ANY ATOMIC
WEAPONS UNDER ANY CONDITIONS, AND DO NOT WANT
EVEN TO HAVE EXPLOSIONS OF ANY KIND, NOT EVEN
PEACEFUL, NOW THEY CAN ASK US TO DO THIS SAYING
THAT WE SHOULD SIGN SOMETHING. UNLESS
THEY DO IT, NOW IS IT JUSTIFIED? IT IS DIS-
CRIMINATION. THEREFORE, IF THEY DECIDE AND
THEY MEANS--NOT ALL OF THEM CAN DO IT AT ONCE
--AS I SAID, THE USA AND THE USSR AND ENGLAND,
BECAUSE THESE THREE ARE CONSIDERING AND DISCUSSING
THESE MATTERS AT PRESENT, AS I UNDERSTAND,
BUT PARTICULARLY THE USA AND THE USSR
HAVE BEEN THE FIRST IN THE FIELD AND THEY HAVE
THE LARGEST ARSENALS OF ATOMIC WEAPONS AND THEY
ARE MORE FREQUENTLY MAKING THE EXPLOSIONS. IF
THEY DECIDE NOT TO HAVE EXPLOSIONS OF ANY KIND
--THEY SAID THAT THEY WERE NEGOTIATING ABOUT IT
AND THEY MIGHT SUCCEED SOON--IF THEY DECIDE NOT
TO HAVE ANY FURTHER TESTS OF ANY KIND, PEACEFUL
OR OTHERWISE, AND IF THEY DO NOT ADD TO THEIR
ARSENAL, AND ALSO COME TO AN AGREEMENT TO HAVE
A GRADUAL REDUCTION WITH A VIEW TO COMPLETE
DESTRUCTION OF ATOMIC WEAPONS, THEN
THERE IS NO DIFFICULTY IN MY ACCEPTING THE
SAFEGUARDS. THAT IS WHAT I HAVE SAID.

Department of State

INCOMING
TELEGRAM

QUESTION: MR. PRIME MINISTER, THERE ARE TWO THINGS LEFT OUT OF THIS.

PRIME MINISTER: WHAT IS LEFT OUT?

QUESTION: ONE IS THAT IN THE NEGOTIATIONS FOR A COMPLETE BAN, CHINA AND FRANCE HAVE BEEN LEFT OUT.

PRIME MINISTER: NO, NO. THEY ARE NOT LEFT OUT. IT IS NOT A QUESTION OF LEAVING ANYBODY OUT. BUT ONE HAS TO BE PRACTICAL TO DO IT, AND THEREFORE IF THESE THREE RESOLVE TO DO IT, OTHERS WILL ALSO COME IN. I HAVE NO DOUBT ABOUT IT.

QUESTION: YOU HAVE SAID THAT THERE WILL BE NO OBJECTION TO SIGNING THE NPT.

PRIME MINISTER: THAT WILL BE. MR. CARTER TOLD ME THAT IT WAS NOT NECESSARY TO SIGN THAT. ONCE THE SAFEGUARDS ARE THERE, THEN IT IS NOT NECESSARY.

QUESTION: IT IS A QUESTION OF GRADUAL REDUCTION OF ARSENAL THAT THEY ALREADY HAVE AND EVENTUAL ELIMINATION. IS IT ONE OF THE CONDITIONS WHICH WE INSIST UPON?

PRIME MINISTER: BEG YOUR PARDON. I DO NOT QUITE FOLLOW. IF YOU CAN ASK ME QUIETLY, I CAN UNDERSTAND BETTER. WHY ARE YOU EXCITED ABOUT IT?

QUESTION: I WAS ASKING THE QUESTION ABOUT REDUCTION OF ARSENAL THAT THEY HAVE COMING TO EVENTUAL ELIMINATION - ONE OF THE BASIC POSITIONS THAT WE ARE TAKING IN REGARD TO ACCEPTING THE SAFEGUARDS.

PRIME MINISTER: WELL, IT IS NECESSARY. WE ARE FEEL THAT THERE SHOULD BE DISARMMENT. BUT DISARMMENT OF OTHER WEAPONS CANNOT COME IN UNTIL ATOMIC WEAPONS GO, AND IF ATOMIC WEAPONS GO THEN DISARMMENT

WILL BECOME EASIER. I AM MORE INTERESTED IN SEEING THAT.

QUESTION: THE IMPRESSION BEING GIVEN IN THE WESTERN MEDIA IS THAT YOU HAVE AGREED TO THE INTERNATIONAL INSPECTION OF OUR NUCLEAR PLANTS. NOW FAR IS THIS TRUE?

PRIME MINISTER: THAT COMES IN WHEN THE CONDITIONS ARE ACCEPTED. THEN ALL WILL BE OPEN TO INSPECTIONS EVERYWHERE.

QUESTION: IN REGARD TO THE SUPPLY OF HEAVY WATER, YOU HAVE ACCEPTED CERTAIN SAFEGUARDS WHICH ARE BEARED TO....

PRIME MINISTER: NO, NO. THAT IS QUITE DIFFERENT.

QUESTION: WHY ARE NOT THE TERMS MADE PUBLIC IN THIS MATTER?

PRIME MINISTER: YOUR UNDERSTANDING IS DEFICIENT IN THIS MATTER. WHY SHOULD THEY BE? WHAT HAVE YOU TO DO WITH THAT? DO YOU THINK WE CAN CARRY ON GOVERNMENT IN THE OPEN EVERY DAY? IT IS NOT POSSIBLE. FOR JOURNALISM EVERYTHING IS OPEN, BUT NOT FOR ME.

QUESTION: MR. PRIME MINISTER, BOTH THE PRESIDENT OF THE UNITED STATES AND THE PRIME MINISTER OF ENGLAND WOULD APPEAR TO HAVE SUGGESTED THAT THEY ARE VERY SERIOUS IN COMING TO SOME NEGOTIATIONS, BOTH ON THE BRINKING OF NUCLEAR TESTS AND FURTHER STEPS TOWARDS DISARMAMENT. AS YOU MIGHT BE AWARE THAT SINCE 1963 WHEN THEY SIGNED THE MOSCOW TEST BAN TREATY, THEY PILED UP THREE TIMES MORE. IS THERE ANY REASON THAT THEY ARE NOW VERY SERIOUS?

PRIME MINISTER: ARE YOU SERIOUS OR NOT?

QUESTION: I AM VERY SERIOUS, BUT I DOUBT WHETHER THEY ARE SERIOUS.

PRIME MINISTER: YOU ARE ALSO NOT ALWAYS SERIOUS. YOU SEE, NOBODY CAN CLAIM THAT HE IS SERIOUS FOR ALL TIME. BUT THAT DOES NOT MEAN THAT NOBODY IS SERIOUS AT ALL AT ANY TIME. IN THIS PARTICULAR MATTER IF THEY AGREE AND MAKE THE AGREEMENT AND DECLARE IT, THEN WHY SHOULD IT NOT BE BELIEVED? IF THEY UNDERTAKE TO DO THAT, THEN THEY CANNOT GO BACK ON IT. IF THEY GO BACK, EVERYBODY CAN GO BACK ON IT.

QUESTION: ONE IS THEIR WILLINGNESS TO UNDERGO FULL-SCALE INSPECTION. THEY ARE COMING WITH THEIR WAR-LIKE INSTALLATIONS, AND...

PRIME MINISTER: NO. BUT THEY DO NOT ADD TO THEM.

QUESTION: HOW DO WE KNOW?

PRIME MINISTER: I WILL HAVE THE WAY TO FIND THAT OUT. YOU NEED NOT WORRY ABOUT IT.

QUESTION: SIR, FIVE US SENATORS MET YOU. THEY SEEMED TO POINT OUT THAT THEY WERE NOT CONVINCED BY YOUR ARGUMENT BECAUSE THEY MADE A SPECIFIC MENTION THAT YOUR PRIME MINISTER MAY GIVE THESE ASSURANCES THAT WE WILL NOT HAVE THE EXPLOSION.

Appendix E

Excerpt, pp. 6 to 9 of typescript of the Address by Morarji Desai to the Tenth Special Session of the United Nations General Assembly Devoted to Disarmament. Permanent Mission of India to the United Nations, New York City, June 9, 1978.

I am glad that the distinguished Presidents of USA and USSR have expressed their determination to finalize expeditiously the negotiations for the elimination of the testing of all nuclear devices, whether for development or military purposes, and for the SALT II agreement. Certain other agreements, as for instance the banning of radiological weapons, are in the offing. It is in this hall that President Carter solemnly declared last year that the United States will not use nuclear weapons except in self-defence. I am also happy that President Brezhnev has spoken of the replacement of the Balance of Terror by the Balance of Trust. While these are welcome signs, holding out some hope for the future, we have yet to see these benevolent intentions translated into action. I, therefore, share the concern of the distinguished President of France over the delays in these negotiations and the limited nature of the deliberations on disarmament which have preceded the convening of this Conference. My own earnest submission to this Assembly is that the problem of disarmament, particularly in the nuclear field, cannot be solved by a system of checks and balances devised as a result of bargaining. It can only be solved in a total manner keeping in view the whole of the globe and not the regions into which, presumably as a matter of political convenience or strategy, some countries seek to compartmentalize

APPENDIX F

NOTICE TO AIRCRAFT CONTRACTORS FROM THE U.S. DEPARTMENT OF STATE

The President has decided that in certain cases the sale to foreign countries of an intermediate fighter aircraft developed or modified for export (F-X) would be in the national interest and would be consistent with the objectives of the U.S. arms transfer policy. An intermediate fighter is defined as one whose cost and performance characteristics would generally lie between our current export fighter, the F-5E, and fighter aircraft now in production for U.S. forces, such as the F-16.

The availability of F-X aircraft will contribute to our national security objectives by permitting the U.S. to respond positively to the security needs of our friends and allies when the F-5E is inadequate, and it will contribute to arms transfer restraint objectives by discouraging purchases of more sophisticated first-line aircraft from the U.S. and other suppliers. An interagency study of the F-X concept found that, without an intermediate alternative, an increasing number of countries may turn to first-line aircraft to fill their fighter needs. The F-X, with its capabilities tailored largely toward a defensive role, is thus consistent with the overriding arms control purpose of the President's arms transfer policy -- to provide countries with the weapons best suited for their legitimate self-defense purposes.

The U.S. Government will not provide funding for development of the aircraft, and aircraft companies will assume all financial and market risks. Interested companies can proceed, however, with the assurance that the U.S. Government will not disapprove the sale of an intermediate fighter aircraft on the grounds that it was developed or modified solely for export. We will continue, of course, to apply all other arms transfer policy criteria to any proposed sales on a case-by-case basis to ensure consistency with our foreign policy, national security, and arms control interests. In addition, any F-X sales to countries covered by the President's arms transfer ceiling will be accommodated within the annual ceiling.

Any U.S. company intending to promote export sales of its version of the F-X or of components for such an aircraft should assure that all requirements of the International Traffic in Arms Regulations (ITAR) are adhered to before any major sales proposals are made and/or any technical data is exported. Since this aircraft will be significant combat equipment for the purposes of the U.S. Munitions List and substantial production costs will be involved, it is anticipated that this aircraft will constitute major defense equipment (MDE) as defined in Section 47(6) of the Arms Export Control Act. Accordingly, sales of this aircraft would be subject to Section 3B(b) (3) of that Act so that, with certain exceptions, such sales will have to proceed under Foreign Military Sales (FMS) procedures.

The U.S. Government has not developed detailed characteristics for an intermediate export fighter; it does, however, believe such an aircraft should meet several general criteria. The aircraft should be a multirole fighter with strong air defense characteristics and somewhat restricted ground attack capabilities. It should:

- Have a primary mission of defending the recipient country from projected air threats in the 1980s and 1990s.
- Have a secondary air-to-ground capability in close air support of ground forces; be sufficiently limited in an offensive range-payload capability to categorize it clearly as not in the class of more advanced aircraft.
- Have lower cost and easier maintainability than first-line U.S. aircraft.
- Not require either an implicit or explicit USG minimum guaranteed market.
- Not easily be substantially upgraded without USG approval.